

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL SHANE MCCREARY,	:	Civil No. 1:22-CV-00510
	:	
Petitioner,	:	
	:	
v.	:	
	:	
CUMBERLAND COUNTY	:	
PROBATION, <i>et al.</i> ,	:	
	:	
Respondents.	:	Judge Jennifer P. Wilson

ORDER

Before the court is the report and recommendation of United States Magistrate Judge Martin C. Carlson recommending that the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed without prejudice to renewal once Petitioner has properly exhausted his state court remedies. (Doc. 3.) (*Id.*) In response, Petitioner filed what the court will generously construe as a general objection to the report and recommendation consisting of one sentence: “Jurisdiction of the case ends for the state of pa when my sentence ended on April 7, 2022.” (Doc. 4.)

When a party raises only general objections to a report and recommendation, a district court is not required to conduct a de novo review of the report and recommendation. *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir. 1984). “To obtain de novo determination of a magistrate’s findings by a district court, 28 U.S.C. § 636(b)(1) requires both timely and specific objections to the report.” *Id.* at 6.

Thus, when reviewing general objections to a report and recommendation, the court's review is limited "to ascertaining whether there is 'clear error' or 'manifest injustice'" on the face of the record. *Boomer v. Lewis*, No. 3:06-CV-00850, 2009 WL 2900778, at *1 (M.D. Pa. Sept. 9, 2009).

The court has reviewed Judge Carlson's report and recommendation and finds no clear error or manifest injustice on the face of the record, even considering Petitioner's generously construed objection. (*See* Doc. 4.) Accordingly, **IT IS**

ORDERED THAT:

1. The report and recommendation issued by United States Magistrate Judge Martin C. Carlson, Doc. 3, is **ADOPTED** in its entirety.
2. Petitioner's objection, Doc. 4, is **OVERRULED**.
3. The petition, Doc. 1, is **DISMISSED WITHOUT PREJUDICE** to renewal once Petitioner has properly exhausted his state court remedies.
4. The court finds no basis to issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c).
5. The Clerk of Court is directed to close this case.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania

Dated: July 25, 2022